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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,902	06/18/2001	Gilad Odinak	WING-1-1015	1702
25315 7590 03/02/2007 BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			EXAMINER SKED, MATTHEW J	
			ART UNIT	PAPER NUMBER
			2626	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/884,902

Applicant(s)

ODINAK, GILAD

Examiner

Matthew J. Sked

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 12 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 13, 14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-3, 8-10, 13 and 16-19 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.
2. Applicant's arguments, in view of the amendments to claims 4, 11 and 14, filed 12/18/06 have been fully considered but they are not persuasive. Applicant states that Ladden fails to teach "the mobile station processes a phonation according to an algorithm only after first receiving the phonation." The Examiner respectfully disagrees. Ladden teaches a system for establishing a link between a mobile communication system and a base system to transmit speech and data (col. 2, lines 13-22). When the link is established for speech a speech codec is used and when the link is established for speech recognition data a corresponding codec is used (col. 2, lines 23-40). Clearly, the phonation needs to be received by the system prior to being able to code it. It is unclear how the Applicant interprets Ladden to suggest that the phonation is coded prior to even receiving it.

The rejections stand.

3. Applicant's arguments, filed 12/18/06, with respect to claims 7, 12 and 15 have been fully considered and are persuasive. The rejection of 7, 12 and 15 has been withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8-10, 13 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Miska et al. (U.S. Pat. 5,764,644).

As per claims 1, 8 and 13, Miska teaches a method, apparatus and computer based device comprising:

receiving a voice signal from a source over a network (communication with routing code is sent to the base station and then to the Mobile switching center, col. 5, lines 23-56);

preprocessing the received signal to determine the transmission destination (destination is determined, col. 5, lines 36-56);

determining a signal path and processing algorithm from a plurality of signal processing algorithms based on the determined address; processing the voice signal according to the determined algorithm (if the destination is a wireline phone then converted to PCM and if the destination is wireless then the signal is encoded, col. 6, lines 13-67) and

sending the processed signal to the associated address (transmits the signal to the destination, col. 6, lines 13-67).

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6. As per claims 2 and 9, Miska teaches wherein determining the processing algorithm comprises matching a database lookup table entry and a signal processing algorithm, such that the signal processing algorithm is configured to optimize the signal for the determined destination transmission destination (user profile determines the destination and processing algorithm optimized for the transmission line, col. 6, lines 13-45).

7. As per claim 16, Ladden teaches a method comprising:

receiving a voice signal from a source over a network (communication with routing code is sent to the base station and then to the Mobile switching center, col. 5, lines 23-56);

preprocessing the received signal to determine the transmission destination (destination is determined, col. 5, lines 36-56);

searching a database lookup table for the transmission destination in order to determine a signal path and match the transmission destination to a signal-processing algorithm from a plurality of signal processing algorithms; executing an optimization algorithm on the signal (user profile determines the destination and processing algorithm optimized for the transmission line, col. 6, lines 13-67); and

transmitting the optimized signal on the signal path to the transmission destination (transmits the signal to the destination, col. 6, lines 13-67).

8. As per claim 17, Ladden teaches wherein establishing a signal path further comprises establishing a single signal path (a single path to a wireline or wireless phone is determined, col. 6, lines 13-67).

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9. As per claim 18, Ladden teaches where establishing a single signal path further comprises establishing a single signal path capable of carrying voice and data signals (communication channel transmits both the voice and routing code, col. 5, lines 23-56).

10. As per claim 19, Ladden teaches a method for preprocessing telephonic data comprising:

receiving a signal from a source over a network; preprocessing the signal to determine a transmission destination; searching a database lookup table for the transmission destination in order to determine a signal path and match the transmission destination to a signal-processing algorithm from a plurality of signal processing algorithms (routing code is transmitted and decoded to determine the destination, col. 5, lines 23-56);

receiving a second signal from the source over the network; executing an optimization algorithm on the second signal (voice encoded based upon its destination, col. 6, lines 13-67); and

transmitting the optimized second signal on a determined signal path to the transmission destination (transmits the signal to the destination, col. 6, lines 13-67).

11. Claims 4-6, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladden et al. (U.S. Pat. 5,855,003).

As per claims 4, 11 and 14, Ladden teaches a method, apparatus and computer based device comprising:

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receiving at a user input an address for transmission (mobile station receives an instruction by the wireless communication system to change codecs, this instruction is an indication of the change in final destination, col. 2, lines 23-40);

directly receiving at the user input unit a phonation inputted for the voice transmission (mobile station transmits speech and it is suggested the mobile station is a cellular phone, col. 3, line 62 to col. 4, line 5);

if the selected address is associated with a speech recognition device, processing the received phonation according to an algorithm associated with the speech recognition device and sending the processed phonation to the selected address (establishes a link for transmission to the speech recognizer and uses a codec compatible with speech recognition, col. 2, lines 23-40); and

if the selected address is not associated with a speech recognition device, processing the received phonation at the user input unit according to an algorithm associated with human auditory apparatus and sending the processed phonation to the selected address (establishes a link for transmission to the wireless communication system and uses a codec compatible with speech, col. 2, lines 23-40).

12. As per claim 5, Ladden teaches:

switching the destination from an address associated with a human recipient to an address associated with a speech recognition device (determines that the mobile station desires a link to the speech recognition system, col. 2, lines 23-40);

sending a switch signal to the user input based on the switched address (instructs the mobile station to switch codecs, col. 2, lines 23-40); and

sending the received phonation to the selected address according to a delivery method associated with human recipients (sends the information through a public-switched telephone network, Fig. 3, elements 312 and 315).

13. As per claim 6, Ladden teaches:

switching the destination from an address associated with a speech recognition device to an address associated with a human recipient; sending a switch signal to the user input based on the switched address; and processing the received phonation according to an algorithm associated with speech recognition device and sending the processed phonation to the selected address (system would inherently be able to perform the inverse switching operation, col. 2, lines 23-40).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miska in view of Mulvey et al. (U.S. Pat. Pub. 2001/0033643A1).

Miska does not teach determining the originator of the signal, if the determined transmission destination is a human recipient and if the determined originator is a computer-based system, alerting the recipient that the voice signal is from a computer-base system.

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Mulvey teaches a system for telephone privacy protection that determines if the call is coming from an unwanted user, which includes a computer (paragraphs 48, 135 and 136)

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Miska determine the originator of the signal and to notify the recipient that a voice signal is from a computer-based system as taught by Mulvey because this phone call would most likely be from a telemarketer and most telephone users find it undesirable to speak to a telemarketer.

Allowable Subject Matter

16. Claims 7, 12 and 15 are allowed:

17. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art on record teaches determining from a received phonation a change signal and if the transmission destination is a speech recognition server, sending the change signal from the transmission destination to the user input source to establish a signal path, processing the phonation for reception by a speech recognition server and transmitting it to the destination. It would not have been obvious to one of ordinary skill in the art at the time of invention to modify the prior art on record to arrive at Applicant's invention.

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Conclusion


18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chu et al. (U.S. Pat. 6,766,291), Younes et al. (U.S. Pat. 7,047,185) and Haavisto et al. (U.S. Pat. 6,161,085) teach using multiple coders for speech transmission.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/26/07


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